

ENTERED

November 09, 2020

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MARYLIN J. TAYLOR,

Plaintiff,

v.

CAROL EVENS, et al.,

Defendants.

§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. H-20-1568

ORDER

Having reviewed the Magistrate Judge's Memorandum and Recommendation dated October 22, 2020 (Docket Entry No. 17), and no objections having been filed thereto, the court is of the opinion that said Memorandum and Recommendation should be adopted. It is therefore **ORDERED** that the Magistrate Judge's Memorandum and Recommendation is hereby **ADOPTED** by this court.

Plaintiff, Marylin Taylor's, Motion for Default Judgement Rule 55 (Docket Entry No. 15) is **DENIED** because no proof of service has been filed against defendant, Carol Evens; and defendants Nicole Wilson and Tjwana Wilson previously filed a Motion to Dismiss Pursuant to Federal Rule 12(b)(6) (Docket Entry No. 11).

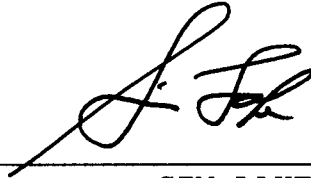
More than 90 days have passed since this case was filed on May 1, 2020. Paragraph 9 of the court's Order for Conference (Docket Entry No. 4) states:

Fed. R. Civ. P. 4(m) requires defendant(s) to be served within 90 days after the filing of the complaint. The

failure of plaintiff(s) to file proof of service within 90 days after the filing of the complaint may result in dismissal of this action by the court on its own initiative without further notice.

The court's file reflects no proof of service of summons and complaint on defendant Carol Evens. Accordingly, this action against Carol Evens will be dismissed without prejudice for plaintiff's failure to prosecute pursuant to Fed. R. Civ. P. 4(m).

SIGNED at Houston, Texas, on this 9th day of November, 2020.

A handwritten signature in black ink, appearing to read 'S. Lake', is written over a horizontal line.

SIM LAKE
SENIOR UNITED STATES DISTRICT JUDGE